



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: August 26, 2015
Applicant: Rachas, Inc. (Chuze Fitness)
Case No: PCC-15-025
Address: 1030 Third Avenue, Chula Vista, CA (APN 619-051-32-00)
Project Planner: Richard Zumwalt, AICP

Notice is hereby given that on August 26, 2015 the Zoning Administrator considered an application requesting approval of a Conditional Use Permit (CUP) to operate the Chuze Fitness facility (Project) for Rachas, Inc. (Applicant). The Project is to be located in one of four suites within the Third & Moss Shopping Center, which is located on an 11.14 acre lot with 658 parking spaces at 1030 Third Avenue (Project Site). The project site is zoned Central Commercial-Precise Plan (CCP) and has a General Plan designation of Commercial Retail (CR). The site is owned by Home Depot USA (Property Owner).

The Applicant requests approval of the CUP to operate a Chuze Fitness center in the 32,015 square foot suite with an adjacent 8,562 outdoor exercise area at the Third & Moss Shopping Center, which was formerly used by the K-Mart store and has recently been remodeled. The Project will require tenant improvements to convert the existing suite into a fitness facility. The facility is a large-scale athletic club with amenities that include a locker room, cardio equipment, weight training equipment, circuit training room, cardio cinema room, group exercise, personal training, a sauna and steam room, tanning room, kids club, smoothie bar, and other amenities. The fitness facility will operate Monday through Sunday, 24 hours a day, seven days a week. The fitness facility requires 161 parking spaces, which will be provided in the existing 658 space parking lot. The Project includes the conversion of an existing wrought iron fence with masonry pilasters into a 9-ft. high combination solid wood fence with open wooden slats with 4-inch spacing on top, to enclose the outdoor exercise area. No other external improvements are proposed.

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. This use constitutes operation of a fitness facility indoors in an existing building, which is considered negligible or no expansion of the existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030 (A) of the Chula Vista Municipal Code, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

This finding is met because the approval of this Project will enable the Applicant to operate a large-scale athletic club that will offer a variety of fitness activities and amenities, including a locker room, cardio equipment, weight training equipment, circuit training room, cardio cinema room, group exercise, personal training, a sauna and steam room, tanning room, and other amenities. The proposed fitness facilities and health programs will promote fitness and health awareness, which are desirable services that will benefit the community. The fitness facility will operate 7 days a week, 24 hours a day to provide an increased level of convenience for customers. The location is centrally located to provide convenient access for residents of western Chula Vista.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The Project is located in a multi-tenant commercial shopping center with a total of 658 on-site parking spaces, of which a minimum of 161 spaces will be reserved for the Project, to ensure that adequate parking will be provided. Organized fitness classes, amplified sound and music will be conducted indoors and not in the outdoor exercise area. The outdoor exercise area is intended to be used for individual exercise activities and as a lounging area. The Project includes the conversion of the existing wrought iron fence with masonry pilasters into a 9 ft. high combination solid wood fence with open wooden slats on top, to enclose the outdoor exercise area. The operation of the facility and the interior remodel of the suite will be subject to conditions of approval, including obtaining a building permit to bring the facility into compliance with the building code. These Project features will minimize the potential for noise and other operational impacts to the surrounding areas. Thus, the Project will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

Granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. The Project requires approval of a building permit, which will be subject to compliance with the California Building, Electrical, Mechanical, Fire and other applicable codes. Any potential public safety issues will be addressed during the building permit review process. These conditions will be enforced through inspections prior to issuance of permits and occupancy of the use, subsequent to operation of the facility. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the Project. The Project will comply with all regulations and conditions specified in the CVMC Title 19 (Zoning Code) for uses established under PCC-15-025.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

This finding is met because the Project, as approved by this Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with permitted land uses and will not adversely affect implementation of the General Plan. The General Plan designates the site as Commercial Retail (CR), which permits a variety of land uses, including unclassified uses. The Chuze Fitness facility is a large-scale athletic club which is considered an Unclassified Use that is permitted in any zone upon approval of a Conditional Use Permit, including the Central Commercial-Precise Plan (CC-P) zoning for the site. The proposed Project has also been conditioned to minimize potential adverse impacts to the site and surrounding area.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-15-025, as described above subject to the following conditions of approval:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit:

1. The Project Site shall be improved and maintained in accordance with the approved PCC-15-025 site plan and floor plan date stamped July 29, 2015, and approved August 26, 2015, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative/Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the authorized representative/Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department within 30 days. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and authorized representative/Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative/Applicant

Date

3. The Applicant shall submit a wall/fence plan with the building permit application showing conversion of the existing wrought iron fence with masonry pilasters into a 9 ft.

high combination solid wood fence with open wooden slats on top, to enclose the outdoor exercise area, as show on the approved site plan. The wood fence shall utilize tongue and groove construction with no gaps, shall be constructed of wood with minimum 7/8-inch thickness or with a density of 3-1/2 lbs. per square foot. The fence shall be installed prior to final inspection of the building permit.

4. Applicant shall obtain approval of a sign permit from the City for construction or modification of any proposed signs.

Building Division:

5. The Applicant shall obtain approval of building permit applications for the tenant improvement for the fitness facility. The Building Permit(s) shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC), 2013 California Fire Code, California Electrical Code, 2013 California Mechanical Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.
6. This Project must be designed by an Architect or Engineer licensed by the State of California. [California Business and Professional Code 5536.1, 6735].

Land Development --Landscape Architecture

7. The Applicant shall submit a landscape plan for review and approval with the building permit submittal, showing landscaping of the proposed wooden fence surrounding the outdoor exercise area. The landscaping and irrigation shall be designed to be in substantial conformance with the landscaping shown on the approved site plan, and shall comply with applicable City Landscape Manual and CVMC requirements.

Fire Department:

8. The building permit application shall comply with applicable codes and requirements, including but not limited to: the current California edition of the Fire Code (CFC), Building Code (CBC), and Mechanical Code as adopted and amended by the State of California and the City of Chula Vista.

Department of Public Works/Environmental Services:

9. The Applicant shall provide capacity calculations as per the Recycling and Solid Waste Planning Manual (RSWPM) to the Department of Public Works/Environmental Services for review with the building permit application. If additional trash and recycling capacity is required, modification of the existing trash enclosure(s) or additional trash/recycling service may be required.

Upon certification by the Development Services Department for occupancy or establishment of the use allowed by this Conditional Use Permit, the Applicant shall remain in compliance with the following conditions as long as the Project relies upon this approval:

Planning Division:

10. The hours of operation of Chuze Fitness shall be Monday through Sunday, 7 days a week, 24 hours a day.
11. Fitness classes and amplified sound and music shall be conducted indoors with all doors and windows closed.
12. The Project shall operate at all times with a minimum of 161 parking spaces.
13. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
14. This Conditional Use Permit authorizes only the use specified in the application for PCC-15-025. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
15. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
16. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, and if any of the conditions fail to be implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
17. The Property Owner and Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. The

Property Owner and Applicant's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of the Property Owner and Applicant's successors and assigns.

18. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of approval of this Conditional Use Permit.

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 26th day of August, 2015.

A handwritten signature in dark ink, appearing to read "Michael W. Walker", is written over a horizontal line.

Michael W. Walker,
Zoning Administrator